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Attorney for Material Witness Tariq Mahmood

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	<b>No. CR -04-0292 PJH</b>
	)	
Plaintiff,	)	<b>STIPULATION AND <del>proposed</del></b>
	)	<b>ORDER TO TAKE VIDEOTAPED</b>
	)	<b>DEPOSITION OF DETAINED</b>
vs.	)	<b>MATERIAL WITNESS PURSUANT</b>
	)	<b>TO 18. U.S.C. § 1344 AND FED. R.</b>
ABDUL WAHEED ET AL.	)	<b>CRIM. P., R 15</b>
	)	
Defendants.	)	
	)	
	)	

Timothy Lucey, Assistant U.S. Attorney in Case No. CR -04-0292 PJH; Derek R. Owens, Assistant U.S. Attorney in Case No.; Alan Dressler, Attorney for Material Witness Tariq Mahmood in Case No. CR 3- 07-70079 MEJ ; and Michael Hinckley, Esq., Ann Moorman, Esq., and Edward Swanson, Esq. attorneys for defendants Abdul Waheed, Yasmin Ali, and Ashraf Ali, respectively, in Case No. CR 04-0292 PJH hereby stipulate and request that this Court order that the videotaped deposition of Tariq Mahmood be taken on July, 27, 2007 at 1:00 p.m. based on the following:

1. Mr. Tariq Mahmood is being detained in Case No. CR 3-07-70079 MEJ as a material witness against Abdul Waheed in the instant case.
2. Mr. Tariq Mahmood cannot satisfy any reasonable conditions of release pursuant to 18 U.S.C. § 3142.
3. A detained material witness who cannot satisfy reasonable conditions of release

1 pursuant to 18 U.S.C. § 3142 is entitled to move the court for an order requiring that his  
 2 deposition be taken pursuant to Fed. R. Crim. P. 15 and 18 U.S.C. § 3144 if the testimony of  
 3 such witness can adequately be secured by deposition, and if further detention is not necessary  
 4 to prevent a failure of justice.

5 4. The parties agree that Mr. Tariq Mahmood has satisfied the requirements of Fed.  
 6 R. Crim. P. 15 and 18 U.S.C. § 3144 in that he cannot meet any reasonable conditions of  
 7 release, that his testimony can be adequately secured by deposition, that further detention is  
 8 not necessary to prevent a failure of justice, and he is therefore entitled to have his videotaped  
 9 deposition taken.

10 5. The parties agree that July 27, 2007 at 1:00 p.m. is available to all parties as a date  
 11 upon which Mr. Mahmood's deposition can be taken.

12 6. Based on the foregoing the parties request the Court to order that Mr. Mahmood's  
 13 videotaped deposition be taken on July 27, 2007 at 1:00 p.m.

14  
 15 SO STIPULATED:

16  
 17 Dated: July 19, 2007

\_\_\_\_\_  
 /s/  
 Alan A. Dressler  
 Attorney for Material Witness  
 Tariq Mahmood

18  
 19  
 20 Dated: July 19, 2007

\_\_\_\_\_  
 /s/  
 Michael Hinckley  
 Attorney for Defendant  
 Abdul Waheed

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 22  
 23 Dated: July 19, 2007

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 /s/  
 Ann Moorman  
 Attorney for Defendant  
 Yasmin Ali

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 25  
 26 Dated: July 19, 2007

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 /s/  
 Edward Swanson  
 Attorney for Defendant  
 Ashraf Ali

1 Dated: July 19, 2007

/s/  
\_\_\_\_\_  
Timothy Lucey  
Assistant U.S. Attorney

4 Dated: July 19, 2007

/s/  
\_\_\_\_\_  
Derek Owens  
Assistant U.S. Attorney

11 Based on the above stipulation and good cause being shown IT IS HEREBY  
12 ORDERED that the videotaped deposition of TARIQ MAHMOOD be taken on July 27, 2007  
13 at 1:00 p.m.

15 Dated: 7/23/07

